

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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CONTINENTAL RESOURCES, INC. AN OKLAHOMA CORPORATION,  
*Plaintiff-Appellee,*

v.

NORTH DAKOTA BOARD OF UNIVERSITY & SCHOOL LANDS,  
*Defendant-Appellee/Cross-Appellant,*

and

UNITED STATES OF AMERICA.  
*Defendant-Appellant/Cross-Appellee.*

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Appeal from the United States District Court for the District of North Dakota  
No. 1:17-cv-14 (Hon. Daniel L. Hovland)

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**Cross-Appellant's Statement of Issues**

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Appellee/Cross-Appellant, the North Dakota Board of University & School Lands, pursuant to Federal Rule of Appellate Procedure 10(b)(3)(A), provides the following statement of issues it intends to present on its appeal:

1. Did the district court err in concluding that North Dakota Century Code Section 61-33.1-06 requires that the boundary between the bed of the Missouri River and federal public domain lands at issue is to be determined by plats prepared by the U.S. Bureau of Land Management?

2. Did the district court err in concluding that neither the public trust doctrine nor provisions of the North Dakota constitution are violated by requiring that U.S. Bureau of Land Management plats are to be used to determine the boundary between the bed of the Missouri River and federal public domain lands at issue?

Dated this 9<sup>th</sup> day of June, 2023.

State of North Dakota  
Drew H. Wrigley  
Attorney General

By /s/ Charles M. Carvell  
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University and School Lands*

### **Certificate of Service**

I hereby certify that on June 9, 2023, the foregoing was electronically filed with the Clerk for the Eighth Circuit Court of Appeals by using the CM/ECF system. I also certify that service of the foregoing will be accomplished via the CM/ECF system.

/s / Charles M. Carvell

Charles M. Carvell

Counsel for Defendant-Appellee/Cross-Appellant